

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515

June 14, 2013

Rex W. Tillerson  
Chairman and Chief Executive Officer  
ExxonMobil  
5959 Las Colinas Boulevard  
Irving, Texas 75039-2298

Dear Mr. Tillerson,

I write to follow up on troubling answers that I received from your company in a letter on May 28, 2013, in response to my letter from May 7, 2013. ExxonMobil's written response appears to indicate that in responding to the March 29<sup>th</sup> Pegasus Pipeline spill in Mayflower, Arkansas, your company was operating under an Emergency Response Plan that had not yet been approved by the Pipeline and Hazardous Materials Safety Administration (PHMSA) and that appears to include weaker response specifications.

In your company's March 28<sup>th</sup> letter, ExxonMobil states the following:

"Any suggestion that EMPCo's [ExxonMobil Pipeline Company's] detection and shutdown were untimely or inconsistent with its Emergency Response Plan is simply incorrect. The June 2009 Emergency Response Plan referenced in your letter (June 2009 – Revision 9) is not the current version of Emergency Response Plan for the Corsicana Response Zone. The February 2013 – Revision 12 Emergency Response Plan is the current version of the plan. It was provided to PHMSA on March 8, 2013. That plan provides a Worst Case Discharge estimated maximum detection time of 0.05 hours (3 minutes) and a shutdown time of 0.25 hours (15 minutes), for a total estimated time of 18 minutes to detect and shut down the segment involved in the Worst Case Discharge calculation."

However, this written statement appears at odds with the facts. According to a written response from PHMSA, the approved ExxonMobil oil spill response plan for the area where the pipeline spill occurred remains the 2009 plan.<sup>1</sup> PHMSA confirmed in a June 12, 2013 letter to me that it received a revised spill response plan from your company on March 14, 2013 but that the plan has not yet been approved by the agency:

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<sup>1</sup> [http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/corsicana\\_zone\\_plan\\_12\\_2009\\_redact.pdf](http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/corsicana_zone_plan_12_2009_redact.pdf)

“The Pipeline and Hazardous Materials Safety Administration subsequently received another version of that [Corsicana Response Zone Plan] plan on March 14, 2013 – Rev. #12. This revised plan has not yet been approved. The revised plan submitted on March 14, 2013 is currently in queue to be reviewed.”

In addition, the Emergency Response Plan that was in effect at the time of the spill on March 29<sup>th</sup> outlined a “Worst Case Discharge” scenario in which a pipeline rupture would be detected and the pipeline would be shut down in 12 minutes. In reality, ExxonMobil’s response time to the Mayflower spill was significantly slower than that. The timing of how and when events unfolded on March 29<sup>th</sup> is still unclear, but under the spill timeline most favorable to ExxonMobil, it took the company a minimum of 16 minutes to detect the rupture and shut down the pipeline.

It is profoundly troubling that it appears that ExxonMobil’s written statements in the May 28<sup>th</sup> letter may be at odds with the facts and that your company may have been operating under an oil spill response plan that had not yet been approved by federal regulators. Accordingly, I ask that you provide a complete accounting of what plan ExxonMobil’s response to the Pegasus Pipeline spill was based on, whether the written statements made in the May 28<sup>th</sup> response were inaccurate or false, and how Exxon’s apparently mistaken belief that the March 2013 plan was the current plan may have affected your company’s response efforts. Please answer the following questions.

1. In coordinating and executing its response to the Mayflower spill, was ExxonMobil operating from the plan approved by PHMSA on December 17, 2009, or from the unapproved plan submitted to PHMSA this past March?
2. What are the significant differences between the two plans? Please submit a copy of the version sent to PHMSA this past March.
3. Why was the estimated time to detect and respond to a “Worst Case Discharge” scenario increased from 12 minutes in the 2009 plan to 18 minutes in the plan submitted this past March?
4. When did ExxonMobil determine that it would take longer to respond to a Pegasus Pipeline spill than the time specified in the “Worst Case Discharge” scenario outlined in the 2009 Emergency Response Plan?

5. How much additional oil do you estimate could be discharged during a scenario in which the rupture detection and pipeline shut down takes 12 minutes as compared to a scenario in which it takes 18 minutes?
6. In light of the fact that the Emergency Response Plan received by PHMSA on March 14, 2013, has neither been reviewed nor approved by PHMSA and the operative plan at the time of the spill is the one approved by PHMSA on December 17, 2009, do you still believe that ExxonMobil's detection of the rupture and shutdown of the pipeline in Mayflower, Arkansas was timely and consistent with the operative Emergency Response Plan?
7. Please explain the process that ExxonMobil goes through to evaluate and update its Emergency Response Plans for all of its pipelines. At what point in time does ExxonMobil change the operative Emergency Response Plan that it will use in the event of a spill?
8. The area where the spill occurred in Mayflower was not in the location considered under the "Worst Case Discharge" scenario in the 2009 Emergency Response Plan for the relevant segment of the pipeline. How does ExxonMobil decide which geographic location along the pipeline should be used as the basis for the "Worst Case Discharge" scenario? Does the company still believe that the segment between the Strawberry, Arkansas pump station and the Conway pump station—the area considered for the "Worst Case Discharge" scenario in the 2009 plan—is the appropriate location for considering a "Worst Case Discharge" scenario? Would a discharge like the one seen in Mayflower have had even worse impacts had it occurred in the area considered under the "Worst Case Discharge" scenario? If so, in what ways? If not, then why isn't Mayflower part of the area considered under the "Worst Case Discharge" scenario?

Thank you for your attention to this important matter. Please direct questions and correspondences to my staff at 202-225-6065 or by email at [jonathan.phillips@mail.house.gov](mailto:jonathan.phillips@mail.house.gov), [ryan.holden@mail.house.gov](mailto:ryan.holden@mail.house.gov), and [morgan.gray@mail.house.gov](mailto:morgan.gray@mail.house.gov). As the questions relate to important events unfolding in real-time, I request that you submit responses to these questions by no later the close of business on July 1, 2013.

Sincerely,

  
Edward J. Markey